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**Agriculture & Natural Resources  
Committee**

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**HB 1665**

**Brief Description:** Assisting small forest landowners to keep their land in active working forestry.

**Sponsors:** Representatives Blake, Orcutt, Kretz, Alexander and Van De Wege.

**Brief Summary of Bill**

- Defines "alternative harvest restrictions" within the context of the Forest and Fish Law to include federally approved habitat conservation plans, state approved alternative harvest plans, and a habitat conservation plan for small acreage forestry in Lewis County that has been submitted for federal review.

**Hearing Date:** 2/13/09

**Staff:** Jason Callahan (786-7117)

**Background:**

History of the Forests and Fish Law

The Forest and Fish Report was presented to the Forest Practices Board and the Governor's Salmon Recovery Office on February 22, 1999. The report contained the recommendations for the development and implementation of rules, statutes, and programs designed to improve and protect riparian habitat on non-federal forest lands in Washington. The report was authored by various stakeholders, including the federal government, state government, tribal governments, and various interest and constituency groups. The rules proposed in the report were designed to provide compliance with the Endangered Species Act, restore and maintain minimum riparian habitat to support a harvestable supply of fish, meet Clean Water Act standards, and keep the timber industry economically viable.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

In 1999 the Legislature recognized the Forest and Fish Report by passing the Forests and Fish Law [Chapter 004, Laws of 1999, 1st Sp. Sess.]. The law directed the Forest Practices Board (Board) to adopt emergency rules implementing the recommendations of the Forest and Fish Report. In the years since, the resulting forest practices rules have been adopted and assurances from the federal government have been obtained. The assurances provide some certainty that forestry operations conducted in compliance with the rules will be protected from liability under the Endangered Species Act.

### Alternate Plans

As part of the Forest and Fish Law, the Legislature directed the Board to condition the adopted rules in such a manner that allows forest practices applicants to propose harvest plans as an alternative to the default rules. These alternative plans are to be developed in response to site-specific physical features and must provide protection to public resources that is equal to the standard harvest rules adopted by the Board. The Board is directed to consult with the Department of Natural Resources' Small Forest Landowner's Office in developing alternate harvest restrictions for small forest landowners.

### The Family Forest Habitat Conservation Plan

Lewis County, together with a non-profit partner, submitted the Family Forest Habitat Conservation Plan (FFHCP) to the United States Fish and Wildlife Service and the National Oceanic and Atmospheric Administration on January 12, 2009. The FFHCP purports to offer harvest restrictions for small acreage forestry operations in Lewis County that are an alternative to the default forest practices rules. The FFHCP has been submitted for federal review, but no official actions or decisions have been made by the federal agencies.

### **Summary of Bill:**

A definition for "alternative harvest restrictions" is provided within the context of the Forest and Fish Law. The definition includes geographically appropriate forest practices restrictions and provides three examples of appropriate restrictions. The examples are federally approved habitat conservation plans, state approved alternative plans, and the FFHCP.

**Appropriation:** None.

**Fiscal Note:** See fiscal note for SB 5690. Fiscal note for HB 1665 requested on 2/12/09.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.